

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

MARIANA SANCHEZ §
§
VS. § C.A. NO. 2:20-cv-61
§
WALMART, INC., WAL-MART STORES §
TEXAS, LLC, AND WAL-MART §
REAL ESTATE BUSINESS TRUST § JURY DEMANDED

NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. § 1441

TO THE CLERK OF THE ABOVE ENTITLED COURT:

Please take notice that Defendants, WAL-MART STORES, INC.,¹ WAL-MART STORES TEXAS, LLC, AND WAL-MART REAL ESTATE BUSINESS TRUST, hereby remove to the Court the state action described below.

1. On December 16, 2019, a civil action was commenced, in the County Court at Law Number Two of Nueces County, Texas, entitled *Mariana Sanchez v. Wal-Mart Stores, Inc., Wal-Mart Stores Texas, LLC, and Wal-Mart Real Estate Business Trust*, Cause No. 2019CCV-62107-2. A copy of Plaintiff's Original Petition is attached hereto as **Exhibit A**.

2. Service of summons and complaint was made on Defendants, WAL-MART STORES, INC., WAL-MART STORES TEXAS, LLC, AND WAL-MART REAL ESTATE BUSINESS TRUST by process server on January 31, 2019. Defendants first received a copy of said Petition on December 24, 2019. A copy of the Citation is attached hereto as **Exhibit B**.

3. Defendants have filed an Original Answer, which is attached as **Exhibit C**, a Demand for Jury Trial, which is attached as **Exhibit D**, a Notice of Filing of Removal to Federal Court, attached as **Exhibit E** and List of Counsel of Record, attached as **Exhibit F**. Defendants have attached all process, pleadings, and orders in the State Court action as required by 28 U.S.C. 1446(a).

¹ Now known as Walmart Inc.

JURISDICTION AND VENUE

4. The action is a civil action of which this Court has original jurisdiction under Title 28 U.S.C. § 1332 (Diversity Jurisdiction), and is one which may be removed to this Court pursuant to Title 28 U.S.C. § 1441. There is complete diversity of citizenship amongst the parties. Defendant, Wal-Mart Stores Texas, LLC is a limited liability company formed under the laws of Delaware, with its principal place of business in Arkansas. The sole member of Wal-Mart Stores Texas, LLC is Wal-Mart Real Estate Business Trust. Wal-Mart Real Estate Business Trust is a Delaware statutory trust with its principal place of business in Arkansas. The sole unit holder of Wal-Mart Real Estate Business Trust is Wal-Mart Property Co. which is a wholly owned subsidiary of Wal-Mart Stores East, LP. Wal-Mart Property Co. is a corporation formed under the laws of the State of Delaware with its principal place of business in the State of Arkansas. Wal-Mart Stores East, LP is a Delaware limited partnership, of which WSE Management, LLC is the general partner, and WSE Investment, LLC is the limited partner. WSE Management, LLC is a Delaware limited liability company, and has its principal place in Bentonville, Arkansas. WSE Investment, LLC is a Delaware limited liability company, and has its principal place in Bentonville, Arkansas. The sole member of WSE Management, LLC and WSE Investment, LLC is Wal-Mart Stores East, LLC. (f/k/a Wal-Mart Stores East, Inc.), whose parent company is Walmart Inc. (f/k/a Wal-Mart Stores, Inc.). Walmart Inc.² (f/k/a Wal-Mart Stores, Inc.) is a Delaware corporation with its principal place of business in Bentonville, Arkansas.

Wal-Mart Stores East, LLC is a limited liability company formed under the laws of the State of Arkansas, and has its principal place of business in the State of Arkansas. The sole member of Wal-Mart Stores East, LLC is Walmart Inc. (f/k/a Wal-Mart Stores, Inc.). Plaintiff is a Texas citizen, with his residence in Nueces County, Texas.

² The name change from Wal-Mart Stores, Inc. to Walmart Inc. became effective on 2/2/18. The citizenship of Walmart Inc. and Wal-Mart Stores, Inc. remains the same.

5. The amount in controversy exceeds the sum of Seventy-five Thousand Dollars (\$75,000.00), exclusive of interest and costs. *See page 6 of Plaintiff's Original Petition.*

7. Venue is proper in the Southern District of Texas, Corpus Christi Division because this District and Division embrace the place in which the action is pending.

Dated: February 28, 2020

Respectfully submitted,

Daw & Ray
A Limited Liability Partnership

/s/ Willie Ben Daw, III
Willie Ben Daw, III; TBN: 05594050
Email: wbdaw@dawray.com
James K. Floyd; TBN: 24047626
Email: jfloyd@dawray.com
14100 San Pedro Ave., Suite 302
San Antonio, Texas 78232
(210) 224-3121 Telephone
(210) 224-3188 Facsimile

ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true and correct copy of the above and foregoing instrument has been served upon all known counsel of record by Electronic Service on this 28th day of February, 2020.

Justin P. Green
Minesh J. Patel
The Patel Firm, PLLC
1129 Airline Rd.
Corpus Christi, Texas 78412

Email: justin@thepatelfirm.com
Email: minesh@thepatelfirm.com

/s/ Willie Ben Daw, III
Willie Ben Daw, III

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| REAL ESTATE BUSINESS TRUST | § | JURY DEMANDED |

INDEX OF DOCUMENTS FILED WITH REMOVAL ACTION

- (A) Plaintiff's Original Petition
- (B) Citation
- (C) Defendants' Original Answer
- (D) Defendants' Demand for Jury Trial
- (E) Notice of Filing of Removal to Federal Court
- (F) List of Counsel of Record